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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,802	11/03/2003	Thomas Poslinski	81099/7114	6271

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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE SUITE 1600
CHICAGO, IL 60603

EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/700,802

Applicant(s)

POSLINSKI ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 08/16/2007 have been entered and made of record. Claims 1-16 are pending. Based on the Applicant's amendment the rejection of claim 8 under 35 U.S.C 112 is hereby withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection. See the rejections sets forth below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US Pat. No. 2004/0264947A1) in view of Hoang (US PG PUB 2003/0126201 A1).

Regarding claim 1, Okada discloses a method of increasing the available storage space on an electronic storage medium comprising the steps of: providing a free memory list for the electronic storage medium (see paragraphs 0367 and 0373 where portion selected to be deleted); selecting a portion of a file stored on the electronic storage medium (see paragraphs 0373 and 0308, portion of the file deleted); and adding the selected portion of the file to the free memory list (see paragraphs 0223 space is freed after deletion).

Claim 1 differs from Okada in that the claim further requires storing in a memory a free memory list.

In the same field of endeavor Hoang discloses storing free memory block list in a memory (see paragraph 0041 and claim 13). Therefore in light of the teaching in Hoang it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Okada by storing free memory list in a memory in order to store and reflect updates.

Regarding claims 2 and 5, Okada discloses the file is an audio file or a video file (see fig. 74).

Regarding claim 3, Okada discloses the selecting the portion of the file stored on the electronic storage medium creates a plurality of file segments (see figs 7A-D, 15A-C, and 74).

Regarding claim 4, Okada discloses the step of linking the plurality of file segments together (see paragraphs 0853-0863).

Regarding claims 6 and 7, Okada discloses the electronic storage medium is a memory of a personal video recorder (see fig. 16 and paragraph 0222).

2. Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of Ahn (US Pat. No. 6,233,695).

Regarding claim 8, Okada discloses a method of increasing the available storage space on a personal video recorder comprising the steps of: storing a media file on a memory of the personal video recorder (see paragraphs 0222, 0378, 0379 and fig. 16); receiving a signal for marking a starting flag for the media file (see paragraphs 0367 and 0373); receiving a signal for marking an ending flag for the media file (see paragraph 0367); and freeing the memory of the

personal video recorder that contains a portion of the media file between the starting flag and the ending flag (see paragraphs 0222, 0713, and figs. 6A-B).

Claim 8 differs from Okada in that the claim further requires the starting flag indicating a starting point located anywhere in the media and ending flag indicating an ending point located anywhere in the media.

In the same field of endeavor Ahn discloses the starting flag indicating a starting point located anywhere in the media and ending flag indicating an ending point located anywhere in the media (see col. 3 line 40-col. 4 line 14). Therefore in light of the teaching in Ahn it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Okada by providing an ending and starting flag in the media in order specify the exact location.

Regarding claim 9, Okada discloses the freeing of the memory of the personal video recorder comprises deleting the portion of the media file between the starting flag and the ending flag (see paragraphs 0367, 0373 and 0708).

Regarding claim 10, Okada discloses the freeing of the memory of the personal video recorder comprises deallocating the memory of the personal video recorder containing the portion of the media file between the starting flag and the ending flag (see paragraph 0366 and 0372).

Regarding claim 11, Okada discloses the marking of the start flag comprises marking a first presentation time stamp and wherein the marking of the end flag comprises marking a second presentation time stamp (see paragraph 0368, see also abstract, fig. 5 and col. 3 lines 40-50 in Ahn).

Regarding claim 12, Okada discloses a first full frame image with the first presentation time stamp (see figs 7A-D and paragraphs 0238 and 0246); associating a second full frame image with the second presentation time stamp (see paragraphs 0238 and 0246).

Regarding claim 13, Okada discloses a method of increasing the available storage space on a personal video recorder comprising the steps of: searching for a start program time stamp marking a video file (see paragraphs 0030 and 0878); searching for a first full image frame related to the start program time stamp (see paragraphs 0030 and 0879); searching for an end program time stamp marking the video file (see paragraphs 0030 and 0880); searching for a second full image frame related to the end program time stamp (see paragraphs 0880, 0882 and figs 47A-B); and deleting a portion of the video file between the first full image frame and the second full image frame (see paragraphs 0881 and figs. 71-73).

Claim 13 differs from Okada in that the claim further requires the starting flag indicating a starting point located anywhere in the media and ending flag indicating an ending point located anywhere in the media.

In the same field of endeavor Ahn discloses the starting flag indicating a starting point located anywhere in the media and ending flag indicating an ending point located anywhere in the media (see col. 3 line 40-col. 4 line 14). Therefore in light of the teaching in Ahn it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Okada by providing an ending and starting flag in the media in order specify the exact location.

Regarding claim 14, Okada discloses the step of deleting a portion of the video file creates a plurality of video segments (see fig. 74).

Regarding claim 15, Okada discloses combining the plurality of video segments into a second video file (see paragraphs 0882-0886).

Regarding claim 16, Okada discloses the deleting comprises removing at least a portion of a commercial within the video file (see paragraph 0222).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

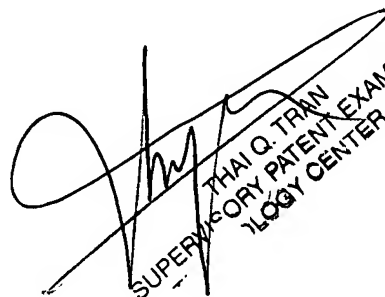
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
September 3, 2007


THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
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